

IN THE UNITED STATES DISTRICT COURT,
WESTERN DISTRICT OF WASHINGTON

Eve Productions, LLC

Plaintiff,

vs.

Doe aka fbkf@sroff.com,

Defendant.

) Case No.: 2:21-cv-251-MJP

) **ORDER GRANTING PLAINTIFF’S EX**
) **PARTE MOTION FOR LEAVE TO**
) **ISSUE FRCP 45 SUBPOENA ON THIRD**
) **PARTIES AND EXTENSION OF**
) **DEADLINE TO SERVE**

THE MATTER before the Court is Plaintiff’s Motion for Leave to Issue FRCP 45

Subpoena on Third Parties and Extend Deadline to Serve (the “Motion”). Being duly advised, the Court GRANTS the Motion and ORDERS as follows:

1. Plaintiff has established “good cause” to serve a third-party subpoena for a deposition on the identified subscriber, Michelle Derbyshire. See, e.g., Patrick Collins, Inc. v. Does 1–1219, 2010 WL 5422569 at *2 (N.D. Cal., Dec. 28, 2010).

2. Plaintiff has also established good cause to extend the deadline to serve Defendant by 60 days to September 27, 2021. See Fed. R. Civ. P. 4(m) & 6(b);

1 3. All depositions conducted by Plaintiff will be conducted telephonically, assuring no
2 need for burdensome travel, particularly in light of ongoing COVID-19 restrictions. Plaintiff
3 shall take into consideration the subscriber's work schedule and day to day life requirements
4 when determining a schedule for the deposition. Depositions will be limited to no longer than 2
5 hours.
6

7 4. Plaintiff shall serve a copy of this Order with any subpoenas issued pursuant to it.

8 5. The subpoenas authorized by this Order shall be deemed appropriate court orders
9 under 47 U.S.C. § 551.
10

11 6. Plaintiff's subpoena shall demand only deposition testimony at a deposition of two
12 hours or fewer, and shall provide at least 30 days from the date of service for compliance.

13 7. Within 90 days of service of the subpoena, Plaintiff shall file an amended complaint
14 naming a defendant or dismissing the case.

15 8. Any information disclosed to Plaintiff in response to a subpoena may be used by
16 Plaintiff solely for the purpose of protecting its rights under the Copyright Act, 17 U.S.C. § 101,
17 et seq.
18

19 DATED this 19th day of July, 2021.



Marsha J. Pechman
United States Senior District Judge

22 Presented by:

23 /s/ Joshua Lee
24 Joshua Lee, WSBA No. 57358
25 CULPEPPER IP, LLC
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[PROPOSED] ORDER GRANTING PLAINTIFF'S EX PARTE
MOTION FOR EARLY DISCOVERY PRIOR TO
RULE 26(f) CONFERENCE 1
(2:21-cv-251-MJP)

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